

To: Oregon State Legislature
From: Commissioner Shepherd
Date: For the February 17, 2026, Public Hearings
Re: Changes to ethics laws (HB 4177, 4159, and 4161)

Introduction

Members of the committee, my name is Gabe Shepherd, and I serve as a Benton County Commissioner. I am writing to you today in my role as an individual commissioner, not on behalf of my board, and as the co-chair of the Association of Oregon Counties Governance, Revenue, and Economic Development Steering Committee. From 2023-2024, I served on the Rules Advisory Committee for HB 2805 (2023), which delegated authority for public meeting law enforcement to OGEC, and was listed as “on behalf of” for its companion bill HB 2806 (2023) which made changes to executive session law.

I strongly support the below bills as fixes to unintended consequences, brought about by the passage of HB 2805 (2023) and the subsequent interpretations of government meetings and ethics law by OGEC.

Support for HB 4177

I am a member of a three-member public body. The practical application of this is that two of us make a quorum and can render a decision. Practically, this means that, by Oregon’s public meetings law, we can rarely talk about anything substantial with one another. While I have made my peace with that restriction, my biggest concern with existing public meetings law is “serial communications” outside of a public meeting. On the face of it, it sounds good: requiring all business of a public entity be done in the public. However, there are issues.

If I tell a constituent that I will vote “yes” on an issue they care passionately about, and that constituent subsequently goes and, unprompted, asks one of my colleagues to vote “yes” as well because “Commissioner Shepherd supports it and, with your vote, it will pass” suddenly my colleague and I find ourselves having both violated public meetings law. I didn’t ask the constituent to share my opinion; my colleague didn’t ask to know what I thought. There are no nefarious plans or back-room deals, just two public servants trying to do right by their constituents and now there would be a valid ethics complaint against both of us.

Imagine, if you will, never being able to speak to another state legislator about any of your bills. Never telling a constituent that you are “pro this service” or “anti this new tax”. Never being able to tell lobbyists your opinion, lest they share it with someone else and put you in legal trouble. No caucuses, no whips, and no assuring your constituents that you’re on their side. That is the strict interpretation of the rules as they exist for local governments and the culture of concern that many local governments find themselves in.

We would like to change that, and HB 4177 makes those changes in a way that still preserves the right of the public to observe, and hold accountable, their local government.

Support for HB 4159

One of the things that became overwhelmingly evident during the HB 2805 (2023) RAC was the lack of understanding on the part of OGEC of how local governments function. Especially now that OGEC manages local governments’ public meetings law violations, requiring an OGEC member to provide the perspective of local governments is critical.

Support for HB 4161

The sudden OGEC opinion that stated that meals could not be provided to decision makers at board meetings, advisory committee meetings, and other events shook local governments. There was anger and shock from LOC, AOC, and all our local government partners.

Practically every local government is governed by volunteer elected officials. Many are also supported by volunteer advisory groups, planning committees, and task forces populated by people who want to serve their communities. To accommodate working adults, most local government meetings take place immediately after the workday.

For four years, and before this OGEC decision, I was a Corvallis City Councilor and worked as the Deputy City Clerk for the City of Albany. In order to attend my council meetings (scheduled for a 6:00 p.m. start) I would need to drive back to Corvallis from Albany, barely having time to pick up anything to eat along the way. When the City Council had executive sessions, we often started at 4:30 p.m. or 5:00 p.m. This meant I would need to leave work early to attend my meetings on time, with no room for picking up dinner. When we had these executive sessions, the city would provide meals for the council. These meals were nothing fancy, but they would get me through the 4-6 hours of meeting that was ahead of me, and I'm sure reduced the amount of "hangry" discourse amongst our council.

The number one thing that you learn when event hosting: "if you feed them, they will come". This decision stripped local governments of a tool in the toolbox to recruit volunteers. In an environment when fewer people are interested in serving their communities, let alone for free, please restore one of our strongest incentives to keep people serving. Please support HB 4161.



Commissioner Gabe Shepherd

Desk: 541-766-6813

Cell: 541-609-9136

Email: gabe.shepherd@bentoncountyor.gov

www.Bentoncountyor.gov